IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO. 25 OF 2005

IN

NOTICE OF MOTION NO. 1411 OF 2004

IN

S.C. SUIT NO. 3030 OF 2003

HAFIZUR REHMAN K.SHAIKH ... PETITIONER

VERSUS

SHAMIM A.SIRAJUDDIN & Ors. ... RESPONDENTS

Ms. S.A. Mudbidri for the petitioner.

Ms. Geeta Shasri i/b. S.P. Srivastava for Respondents Nos.1, 3 & 4.

CORAM: S.K.SHAH,J.

DATE : 7th October,2005.

P.C.

1. The grievance of the petitioner is that inspite of the injunction order dated 9.9.2004 in terms of prayer clause (d), the Respondents are carrying on business in the suit premises.

2. The learned Counsel for the Respondents submits that originally Respondent No.1 was in occupation of the premises for residential purposes. The Respondent

No.1 sold it to Respondent No.4. The affidavit of Respondent No.4 shows that after he came in possession of the premises he was doing business in he premises. However, that time he did not know he order of injunction passed by the Court. As soon as he came to know the injunction order, he had stopped carrying on any business. The learned Counsel for Respondent Nos.1,3 & 4 states that Respondent No.4 will not carry on any business in the suit premises and he will use it for the purpose of residence. The learned Counsel for the Respondents further submits that Respondent No.1 is not in occupation at all. The learned Counsel also submits tha Responden No.3 is the brother of Respondent No.r4 and she makes statement that Respondent No.3 also will not carry on any busiess in the suit premises. She further states that Respondent No.2 is not in occupation of the premises nor he is concerned with the premises.

3. In view of this, nothing survives in the Contempt Petition. The Petition stands disposed of.

(S.K.SHAH,J.)